

COPY

PATENT

Attorney's Docket No. PP-01367.003 (35784/172864)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Shirley *et al.* Confirmation No.: 3829
Appl. No.: 09/188,051 Group Art Unit: 1653
Filed: November 6, 1998 Examiner: Kam, C.
For: COMPOSITIONS PROVIDING FOR INCREASED IGF-I SOLUBILITY

September 12, 2002

Commissioner for Patents
Washington, DC 20231

**SUBMITTAL OF SUBSTITUTE DECLARATION
UNDER 37 C.F.R. § 1.63**

Sir:

Responsive to the Examiner's indication that the originally filed Declaration was defective, Applicants submit concurrently herewith a Substitute Declaration for the above-identified patent application that has been executed by the named inventors. This Substitute Declaration now correctly claims the benefit of a provisional application under 35 U.S.C. §119(e). The Examiner is respectfully requested to enter this Substitute Declaration into the above-referenced application.

Respectfully submitted,



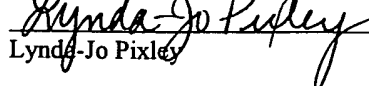
Leslie T. Henry
Registration No. 45,714

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Raleigh Office (919) 862-2200
Fax Raleigh Office (919) 862-2260

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents, Washington, DC 20231, on September 12, 2002.


Lynda-Jo Pixley



**SUBSTITUTE
DECLARATION FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

COMPOSITIONS PROVIDING FOR INCREASED IGF-I SOLUBILITY

the specification of which (check one) _____ is attached hereto x was filed on November 6, 1998 as Application Serial No. 09/188,051 and was amended on July 9, 1999, December 13, 1999, July 18, 2001, and February 8, 2002.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)		Priority Claimed	
<u>Number</u>	<u>Country</u>	<u>Day/Month/Year Filed</u>	<u>Yes</u> <u>No</u>

I hereby claim the benefit under Title 35, United States Code, §120 and/or 119(e) of any United States application(s) and/or provisional application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Status Patented, Pending, Abandoned</u>
60/064,891	07-Nov-1997	Abandoned

=====
I hereby declare that all statements herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor Bret A. Shirley

Inventor's signature  Date 10 Sep 02

Residence Waltham, Massachusetts

Citizenship United States of America

Post Office Address 63 Wheelock Road, Waltham, MA 02453

Full name of second inventor Kamaljit Bajwa

Inventor's signature _____ Date _____

Residence Danville, California

Citizenship United States of America

Post Office Address c/o Chiron Corporation, P.O. Box 8097, Emeryville, CA 94662-8097

Application Serial No.	Filing Date	Status Patented, Pending, Abandoned
60/064,891	07-Nov-1997	Abandoned

=====

I hereby declare that all statements herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or **first** inventor Bret A. Shirley

Inventor's signature _____ Date _____

Residence Waltham, Massachusetts

Citizenship United States of America

Post Office Address 63 Wheelock Road, Waltham, MA 02453

Full name of **second** inventor Kamaljit Bajwa

Inventor's signature Kamaljit Bajwa Date September 3rd 2002

Residence Danville, California

Citizenship United States of America

Post Office Address c/o Chiron Corporation, P.O. Box 8097, Emeryville, CA 94662-8097

Commissioner For Patents
Washington, DC 20231

Date Mailed: September 12, 2002
Atty. Dkt. No. PP-01367.003 (35784/172864)

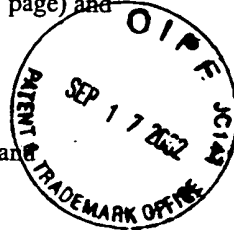
Application No: 09/188,051; Filing Date November 6, 1998

Inventor(s): Shirley *et al.*; Title of Invention: "COMPOSITIONS PROVIDING
FOR INCREASED IGF-I SOLUBILITY"

Documents Enclosed: Submittal of Substitute Declaration (1 page) and
Substitute Declaration (3 pages)

Check Enclosed: \$0

Kindly acknowledge receipt by placing office stamp hereon and
returning postcard to: Lynda-Jo Pixley
ALSTON & BIRD LLP



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JUN 20 2003

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